

Chrono

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MEMORANDUM FOR: Director of Security

SUBJECT : Security Classification Procedures: Draft Revision
EO 10501 - NSSM 113

REFERENCE : Memo dtd 13 Jan 72 for DD/I, DD/S, DD/P, DD/S&T,
General Counsel, D/ONE, and Deputy to DCI for NIPE
fr D/S, same subj

1. To the degree that they may be helpful in preparing a draft response, the following observations may be of use. While intelligence sources and methods and sensitive intelligence are apparently exempted from much of this Order, I still find some of the language strange if not worrisome. On page 6, paragraph (g), the annotation of portions of material, with the implication that those portions can be excerpted, strikes me as engendering great complication for the one doing the classifying, if not also running the risk of a recipient being over-eager in excerpting. I must observe that the opening paragraph on page 10 sounds like a response to Jack Anderson. On page 12, the directive to destroy, transfer or retire material serves to further strengthen our hand in attempting to reduce our holdings under the Records Management Program. Then, on page 13, if I read it correctly, we will be required to report on our system of records management. Skipping over to page 35 — the warning notice having to do with sensitive intelligence sources and methods — I have yet to find any place a definition of sensitive and I wonder whether it has even been attempted. On pages 41 and 42, we are dealing with dissemination outside the Executive Branch and we necessarily must be concerned here with how far the Director can go in briefing the Congressional Committees or how complicated his life will be in written certifications that the recipient meets the necessary standards. On page 60 language is used which has no place in the Executive Order and may be in the draft simply because, under the pressure of urgency, the writer lifted material from a Committee report. In paragraph B we find: "The Committee believes that there are three options available to the President"

2. Regarding the adoption of Alternative II on page 19, I agree that it is preferable to Alternative I in that the modifier "highly" is subject to individual definition, but I'm still hung on the earlier problem of the definition of sensitivity. Regarding Alternatives I and II on page 22, since the subject matter is the mandatory review for declassification, I'm not sure that Alternative I isn't preferable if for no other reason than to force an earlier reduction in our holdings. Much of what we classify around here has only a transient sensitivity and a ten-year review might be a salutary thing. Regarding Alternatives I and II on pages 46 and 47, I understand that [redacted] has already discussed your reasoning with [redacted] but I must say that political sensitivities are not as persuasive to me as is the protection of our material.

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3. As one who is essentially ignorant in this procedural area, I am not prepared to compare the proposed draft with the existing Order, but in general substance I don't sense any great difference from what we now do. I wonder what the press or Congress may have to say should the Executive Order be issued essentially in its proposed form. It may be that what I'm looking for can only be found in legislation which could then be backed up by the police powers of the state.

4. Still lacking in this draft and perhaps can never be handled in this Executive Order is any device short of a classification category which will restrict the handling and exposure of a document. An excellent case in point is the Fact Book which we published in November and which carried this as a second paragraph in its Foreword: "The booklet in this printed form is classified 'Confidential' simply because the Agency has not publicly taken an official position on most of the events discussed and cannot do so at this time in this form. Nevertheless, employees are encouraged to use this factual background information in interviews with applicants and in discussions with interested outsiders. The booklet, however, should not be shown to non-Agency personnel." The terms we presently use "For Internal Use Only" or similar language have no official standing. There are matters which have either an organizational or personal confidentiality which we're hard put now to protect unless we use a security classification. Yet that use of classification very properly is ruled out by the Executive Order. Frankly, I find this whole revision quite unimaginative.

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/s/ Robert S. Wattles

Robert S. Wattles
Assistant Deputy Director
for Support